

REMARKS

Reconsideration and allowance are requested.

The claims stand newly rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed.

The Examiner contends that the term “owner” is not “supported in the specification to enable one skilled in the art” to “make and/or use the invention.” The term owner is used many times in the specification, see for example the text quoted by the Examiner. Certainly, the concept of multiple owners for something would be understood, such as multiple people or entities owning a business or a building. In the building example, each of the owners shares and may use the same building along with the other owners. In the same way, each owner of a shared network may use that shared network to service its own subscribers. It is not understood how an objection relating to what the term owner means can render the specification non-enabling. Certainly, one of ordinary skill in the cellular radio network art would understand the meaning of an owner of a network and sharing a network. These terms are not technical terms and have there plain and ordinary meaning as understood in the context of this specification.

Nonetheless, in an effort to assist the Examiner, the claims have been amended without narrowing their scope to state that “the shared radio network [is] owned by two or more operators,” with the term “operator” being used with that understanding throughout the claims. In other words, the entities that operate the shared network also both own the network. Example support is found on page 5, lines 21-23, page 5, line 32-page 6, lines 2, page 7, line 29-30, page 8, line 18-19, and page 9, line 1-5. Withdrawal of this rejection is requested.

Most of the claims stand rejected based on previously distinguished Timonen combined with newly-cited Ortiz for alleged obviousness under 35 U.S.C. §103. This rejection is respectfully traversed.

Timonen describes a mobile terminal that visits a network VN different from its home network but does not provide a valid identification needed to access service from the visited network, e.g., the mobile lacks a SIM card or lacks a valid roaming agreement with the visited network. Nevertheless, the visiting mobile terminal may access the visited network using a third party user identification scheme (col. 3, lines 21-24 and col. 4, lines 1-13).

In contrast, the independent claims relate to a situation where a mobile terminal visits a single network owned and shared by two or more operators. The Examiner admits this deficiency but contends that “Timonen teaches that service provider that is well know in the art as the provider or owner.” Col. 6, lines 12-16 cited by the Examiner relate to payment applications and have nothing to do with the Examiner’s contention. Col. 12, lines 56-65 relates to sending a charge for visiting network services to a third party and also do not support the Examiner’s statement. Col. 14, lines 28-32 is irrelevant, and col. 15, lines 11-16 describe the situation where the network operator and the service provider are different. But this is not the same as two network operators who own a network both acting as network operators in that shared network.

The Examiner turns to Ortiz arguing that Ortiz teaches that “the owner is the service provider,” citing three passages. The first in col. 1, lines 20-27 simply describes conventional pay telephone service provided by major telephone companies. The second at col. 3, lines 34-40 states: “Yet another object of the present invention is to provide an autonomous pay telephone arrangement for processing a pay telephone call from, for example, a mobile telephone without

the need for credit cards and in manner which eliminates reliance on the telephone company's Central Office for either answer supervision or billing." It is not understood how this quoted text is helpful. The text at col. 4, lines 37-50 refers to "the owner or service provider" programming a pay telephone arrangement. This text does not say that the owner is the same as the service provider, but instead indicates that the two are separate entities and that either one of them could do the programming.

Combining Ortiz with Timonen does not result in what is claimed. Instead, the proposed combination suggests that an owner of a network visited by a mobile phone could provide telephone service in that visited network to the mobile phone. But that visited network is not owned by two or more network operators and is not operated by those two or more operators. The Examiner's proposed visited network is owned by one network operator. apparently equates a mobile "visiting" a network other than its "home" network with a shared network. A shared network ownership is different than roaming arrangements between different networks owned by single operators.

A visited network is visited from the mobile's perspective. A mobile has a home network to which it subscribes. In Timonen, that home network is owned by a single operator. When the mobile roams into another service area outside the service area of its home network, the mobile may obtain service as a roaming mobile from a visiting network assuming the mobile's subscription permits the mobile to be serviced in that visiting network. In Timonen, that visited network VN is owned by a single operator. Ortiz does not change that fact.

The Examiner seems to be arguing that the visited network is sharing its network with the visiting mobile terminal or with the home network operator. But a roaming agreement between two networks (the Examiner's argued sharing arrangement) is not all that is claimed. The

independent claims specifically recite "determining which one of the *owners* of a *shared radio network* that a visiting MT (Mobile Terminal), which MT is not subscribed to any of the owners of said shared radio network, is going to be connected to." Neither Timonen nor Ortiz teach a shared radio network being owned by two or more operators. As a result, neither discloses or suggests deciding which owner operator the mobile will be connected to as required by the pending claims.

If the Examiner maintains this or any other further rejection, the Examiner is requested to point out in the applied reference the shared network being identified, and most importantly, the multiple owners of that shared network. The Examiner does not explain what entities in the combination of Timonen and Ortiz correspond to multiple owner operators of a single shared network.

There is a clear distinction between a visited network owned by one operator and a shared network serving a visiting mobile terminal that is owned by multiple operators. To highlight this difference, consider the example of a shared 3G network in the instant specification. 3G radio networks are expensive. One way to decrease the costs is for two or more 3G operators to jointly buy a shared 3G radio network like a UTRAN. But nothing in the combination of Timonen and Ortiz discloses that the VN is shared by two or more network operators. Only different networks with separate owners are described.

Timonen and Ortiz also fail to disclose determining *which one of said operators* said visiting MT is going to be connected based on the derived information" as recited in claims. In the independent claims, it is not simply a matter of determining whether a mobile terminal is permitted to roam to a particular visiting network. Rather, the independent claims acknowledge that an *additional decision* is needed when a network is shared by two or more *operators*.


Namely, it must be determined which one of the operators of the shared network that a visiting mobile terminal, which is not a subscriber with any of the operators of the shared radio network, is going to be connected to. Where does Timonen and Ortiz describe determining which one of multiple operators of a shared network that this visiting mobile will connect to?

Lacking multiple features required by the independent claims, Applicants respectfully submit that the application is in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100